

**RESOLUTION NO. 74791**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE REPORT OF THE DIRECTOR OF FINANCE ON THE REIMBURSEMENT OF COST FOR SIDEWALK REPAIRS, CONFIRMING THE ASSESSMENTS CONTAINED IN THE REPORT AND DIRECTING THE RECORDING OF LIENS ON THE PROPERTY TAX ROLL FOR THE COST OF SIDEWALK REPAIRS**

**WHEREAS**, Part 17 of Chapter 14.16 of Title 14 of the San José Municipal Code and Sections 5625 through 5630 of the California Streets and Highways Code set forth the procedures for collection of the sidewalk repairs; and

**WHEREAS**, on January 13, 2009, the City Council of the City of San José ("City Council") adopted Resolution No. 74750 setting a public hearing for approval of the Report of the Director of Finance on the Cost of Sidewalk Repairs ("Report") for February 10, 2009 at 1:30 p.m.; and

**WHEREAS**, the Director of Finance caused all property owners mentioned in the Report to be given proper legal notice of the cost of sidewalk repairs posed to be assessed by the City of San José ("City") and of the opportunity to present objections or protests regarding such costs at the public hearing; and

**WHEREAS**, the City has complied with all requirements of the San José Municipal Code and the California Streets and Highways Code regarding notice and hearing relative to the assessment of sidewalk repair costs contained in the Report; and

**WHEREAS**, the City Council has considered the Report at a public hearing as scheduled, and has heard and duly considered all objections or protests thereto, including a report by the Director of Finance describing the administrative conferences

with the property owners proposed to be assessed for not paying the cost of sidewalk repairs; and

**WHEREAS**, the City Council desires to accept the Report and confirm the assessments contained therein; and

**WHEREAS**, a property owner's failure to pay the cost assessed within five (5) days after confirmation of the Report shall cause a special assessment against the property which shall become a lien on such property; and

**WHEREAS**, the City Council desires to direct the Director of Finance to cause the recordation of the appropriate liens with the Santa Clara County Recorder;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Having duly considered all objections and protests to the proposed assessments for the cost of sidewalk repairs at the public hearing held on February 10, 2009 at 1:30 p.m., such objections or protests of every kind and nature are hereby overruled or denied, except as otherwise shown in the final approved Report of the Director of Finance to the City Council on the Cost of Sidewalk Repairs, which is attached hereto as Attachment A and fully incorporated herein ("Final Report").
2. Assessments contained in the Final Report are hereby confirmed.
3. Pursuant to, and in accordance with, the provisions of Part 17 of Chapter 14.16 of Title 14 of the San José Municipal Code and Sections 5625 through 5630 of the California Streets and Highways Code, sidewalk repair costs so assessed against each property, if not paid within five (5) days after the confirmation of the

Final Report, shall constitute a special assessment against that property and shall become a lien on the property for the amount of the assessment, which lien shall continue until discharged of record.

4. The Director of Finance is hereby directed to cause the preparation of the appropriate Notices of Lien and the delivery of each Notice of Lien to the Santa Clara County Recorder for recordation. The Director of Finance shall also cause the delivery of the Notice of Lien to the County Assessor so that the amount of any unpaid lien shall be collected with all other property taxes. At the time the property tax bills become public records, the Director of Finance shall release any previously recorded liens.

ADOPTED this 10<sup>th</sup> day of February, 2009, by the following vote:

AYES:	CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.
NOES:	NONE.
ABSENT:	CHIRCO.
DISQUALIFIED:	NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

**ATTACHMENT A**

City of San Jose								
Department of Finance								
Report of the Director of Finance to the City Council on the Cost of Sidewalk Repairs								
Public Hearing February 10, 2009								
ACCT#	ASSIGN	NAME	MAILING ADDRESS	SITUS	APN	AMOUNT	FEE	TOTAL
134451	8/15/2008	Mary Anne Foley	2272 Bailey Ave San Jose CA 95128	415 Madison Dr	689-27-043	\$ 239.00	\$ 13.00	\$ 252.00
134448	8/15/2008	Theresa E Beatrez	2689 Leigh Ave San Jose CA 95124	2689 Leigh Ave	442-32-060	\$ 239.00	\$ 13.00	\$ 252.00
134531	8/21/2008	Sarou Sun & Daniel L Radler Jr	2303 Lava Dr San Jose CA 95133	2303 Lava Dr	254-24-010	\$ 294.69	\$ 13.00	\$ 307.69
134737	9/11/2008	Myung Jong Kim	4188 Rosenbaum Ave San Jose CA 95136	4188 Rosenbaum	462-32-007	\$ 467.00	\$ 13.00	\$ 480.00
133636	5/27/2008	Samuel S & Julie Y Vaiz	1766 Hallmark Ln San Jose CA 95124	1766 Hallmark Ln	447-30-005	\$ 585.00	\$ 13.00	\$ 598.00
133597	5/22/2008	Southern Pacific Transportation	Po Box 11215 Spokane WA 99211	5th St		\$ 693.00	\$ 13.00	\$ 706.00
134828	9/19/2008	Aurelio & Godinez P Morfin	2026 Tampa Way San Jose CA 95122	2026 Tampa Way	491-21-014	\$ 731.00	\$ 13.00	\$ 744.00
132999	4/7/2008	Sinath Prom	2666 Flory Dr San Jose CA 95121	2666 Flory Dr	499-11-040	\$ 733.59	\$ 13.00	\$ 746.59
134720	9/10/2008	Tien & Ha Nguyen	4172 Rosenbaum Ave San Jose CA 95136	4172 Rosenbaum Ave	462-32-010	\$ 936.00	\$ 13.00	\$ 949.00
133609	5/22/2008	Albert J Gomez	40 Cinnamon Ct Hillsborough CA 94010	617 S 9th St	472-24-013	\$ 1,212.95	\$ 13.00	\$ 1,225.95
133632	5/27/2008	Chumming Yu & Wenjin Zhuang	1057 Windsor St San Jose CA 95129	1057 Windsor St	372-06-001	\$ 1,222.20	\$ 13.00	\$ 1,235.20
134729	9/11/2008	Claudia Benetiz Magnet Corporation	12991 Berryessa Rd San Jose CA 95133	12991 Berryessa Rd	245-08-067	\$ 1,235.00	\$ 13.00	\$ 1,248.00
134719	9/10/2008	Agent of Service: Francis B Doyle	1550 S Bascom Ave 330 Campbell CA 95008	1328 Whitegate Ave	439-44-081	\$ 1,323.60	\$ 13.00	\$ 1,336.60
132892	3/28/2008	Maria Solorio Devilla	1382 San Marcos Dr San Jose CA 95132	1382 San Marcos Dr	589-16-016	\$ 1,385.16	\$ 13.00	\$ 1,398.16
134536	8/21/2008	Property Assest Management Inc C/O America's Servicing Co	3476 Stateview Bl 7801-013 FT Mills SC 29715	3002 Arroba Way	447-03-097	\$ 1,439.00	\$ 13.00	\$ 1,452.00
133896	6/19/2008	Christopher M & Jill R Lowe	602 S Monroe St San Jose CA 95128	602 S Monroe St	279-04-054	\$ 1,930.50	\$ 13.00	\$ 1,943.50
132979	4/7/2008	Dennis S Speilbauer C/O Royal Pacific Properties	486 S 5th St San Jose CA 95112	424 N 8th St	249-49-044	\$ 2,049.80	\$ 13.00	\$ 2,062.80
132987	4/7/2008	Helen M Stouky Trustee	202 San Pedro Cl San Jose CA 95110	1724 Creek Dr	434-29-023	\$ 2,093.30	\$ 13.00	\$ 2,106.30
134724	9/10/2008	Chase Home Fin LLC & Finance LLC	3415 Vision Dr Columbus OH 43219	1518 Mt Lassen Dr	647-20-023	\$ 2,107.30	\$ 13.00	\$ 2,120.30
133127	4/17/2008	Comfort D Kaye & Chris Hensel	869 S 9th St San Jose CA 95112	869 S 9th St	472-19-078	\$ 2,327.48	\$ 13.00	\$ 2,340.48
133480	5/16/2008	Magdaleno & Margarita Ibarra	1741 King Ct San Jose CA 95122	1108 Whirlow Pl	245-38-007	\$ 2,333.55	\$ 13.00	\$ 2,346.55
133616	5/22/2008	Emilio Roldan	2617 Ophelia Ave San Jose CA 95122	2617 Ophelia Ave	670-22-022	\$ 2,862.00	\$ 13.00	\$ 2,875.00
132878	3/28/2008	Zenida Stanton	3170 Mattos Ave San Jose CA 95132	2386 Niemeyer Ct	245-03-050	\$ 3,722.52	\$ 13.00	\$ 3,735.52
133602	5/22/2008	Bum Jin Kim	4454 Junipero Serra Ln San Jose CA 95129	4454 Junipero Serra Ln	381-56-026	\$ 4,266.62	\$ 13.00	\$ 4,279.62
132886	3/28/2008	Shadman Properties LLC C/O Agent for Service: Michael Shadman	100 E Sabta Clara St San Jose CA 95113	100 E Santa Clara St	467-23-089	\$ 5,256.98	\$ 13.00	\$ 5,269.98
				<b>Total</b>		\$ 41,686.24	\$ 325.00	\$ 42,011.24